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**From:**

**Sent:** Wednesday, December 29, 2010 10:44:07 AM

**To:**

**Cc:**

**Subject:** Consent to Extend Period of Limitations

This email responds to your question regarding who should sign a consent to extend the period for assessment for a taxpayer. The taxpayer in question is a statutory trust that had elected to be treated as a real estate investment trust (REIT) under section 856(c)(1). For the year at issue, the taxpayer did not qualify as a REIT.

Under § 301.7701-3(c)(1)(v)(B), an entity that elects to be treated as a REIT is also treated as making an election under § 301.7701-3 to be classified as an association (which, in turn, is classified as a corporation). To change an entity's classification, the entity must file Form 8832 that meets the requirements of § 301.7701-3(c). Treas. Reg. § 301.7701-3(c)(1)(i). Here, the taxpayer will continue to be classified as an association taxable as a corporation until it files a Form 8832. Thus, you should prepare the consent to extend the period for assessment in accordance with the rules for corporations under section 6062 and IRM 25.6.22.6.2.

If you have any further questions, please give me a call.